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9      Attorney for Defendant  
10     Austreberto Santamaria-Valencia  
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13                   **IN THE UNITED STATES DISTRICT COURT**

14                   **FOR THE EASTERN DISTRICT OF CALIFORNIA**

15     UNITED STATES OF AMERICA,

16     vs.  
17     Plaintiff,

18     AUSTREBERTO SANTAMARIA-  
19     VALENCIA ,

20     Defendant.

21                   Case No.: 2:21-CR-0079-TLN

22                   STIPULATION AND ORDER TO  
23                   EXCLUDE TIME

24                   Date: May 16, 2024  
25                   Time: 9:30 a.m.  
26                   Hon. Troy L. Nunley

27                   **STIPULATION**

- 28     1.      By previous order, this matter was set for status on May 16, 2024.
- 29     2.      By this stipulation, defendant now moves to continue the status conference until  
30     July 18, 2024, at 9:30 a.m., and to exclude time between May 16, 2024, and July 18, 2024,  
31     under Local Code T4.
- 32     3.      The parties agree and stipulate, and request that the Court find the following:  
33       a.)     The government has produced the discovery associated with this case

1 including, among other things, investigative reports, photographs, and video recordings.

2 b.) Counsel for defendant desires additional time to consult with his client, to  
3 review the current charges, to conduct an investigation and research related to the charges,  
4 to review discovery for this matter, to discuss potential resolutions with his client, and to  
5 prepare pretrial motions.

6 c.) Defense counsel believes that failure to grant the above-requested  
7 continuance would deny counsel the reasonable time necessary for effective preparation,  
8 taking into account the exercise of due diligence. The government has recently proposed  
9 an offer to resolve this case and defense counsel needs time to review that offer with his  
10 client, in light of the evidence in this case, and determine their strategy.

11 d.) The government does not object to the continuance.

12 e.) Based on the above-stated findings, the ends of justice served by continuing  
13 the case as requested outweigh the interest of the public and the defendant in a trial  
14 within the original date prescribed by the Speedy Trial Act.

15 f.) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. §  
16 3161, et seq., within which trial must commence, the time period of April 18, 2024 to  
17 May 16, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A),  
18 B(iv) [Local Rule T4] because it results from a continuance granted by the Court at  
19 defendant's request on the basis of the Court's findings that the ends of justice served by  
20 taking such action outweigh the best interest of the public and the defendant in a speedy  
21 trial.

22 4. Nothing in this stipulation and order shall preclude a finding that other provisions  
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1 of the Speedy Trial Act dictate that additional time periods are excludable from the period  
2 within which a trial must commence.

3 IT IS SO STIPULATED.  
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5 Date: May 14, 2024

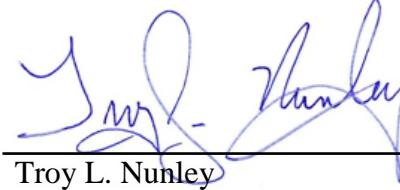
/s/ Matthew C. Smith  
MATTHEW C. SMITH  
Attorney for Defendant  
Austreberto Santamaria-Valencia

6  
7 Date: May 14, 2024

/s/ James R. Conolly  
James R. Conolly  
Assistant United States Attorney

10  
11  
12 ORDER  
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14 IT IS SO FOUND AND ORDERED this 14th day of May, 2024.  
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19 Troy L. Nunley  
United States District Judge  
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